

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

CHARLOTTE CHARLES and TIM DUNN,
Individually and as Co-Administrators of the
ESTATE OF HARRY DUNN, and
NIALL DUNN, Individually,

Plaintiffs,

V.

ANNE SACOOLAS and JONATHAN
SACOOLAS,

Defendants.

Case No. 1:20-cv-01052

**DEFENDANTS' RESPONSE TO COHEN MILSTEIN SELLERS & TOLL PLLC'S
MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR PLAINTIFFS**

COME NOW the Defendants Anne Sacoolas and Jonathan Sacoolas, by counsel, and in and for their Response to Cohen Milstein Sellers & Toll PLLC's Motion for Leave to Withdraw as counsel for Plaintiffs state as follows:

Defendants do not object to Cohen Milstein Sellers & Toll PLLC's motion to withdraw. However, given the nature of the case and the expedited discovery schedule, Defendants request that any order resolving the motion to withdraw address the following concerns:

1. The Joint Stipulated Protective Order (ECF – 40) is signed by Cohen Milstein Sellers & Toll PLLC. Paragraph 15 of the Joint Stipulated Protective Order provides “This Order shall take effect when entered and shall be binding upon all counsel of record and their law firms, the parties, and persons made subject to this Order by its terms.” Defendants believe this Order shall be binding on all counsel of record, even if counsel make their appearance after the Order was entered. However, to avoid any ambiguity or potential for dispute on this issue, Defendants request that any Order resolving

Cohen Milstein Sellers & Toll PLLC's motion to withdraw expressly state that the parties and any counsel who may enter their appearance on behalf of Plaintiffs are bound by the previously entered Joint Stipulated Protective Order. Defendants note that because current counsel have cited "professional considerations" among the reasons for their motion to withdraw, which suggests potential disputes with Plaintiffs regarding their ethical obligations, there is a particular need for the Court to ensure that new counsel understand and expressly confirm that they will be bound by the Joint Stipulated Protective Order in this case.

2. If Plaintiffs have not yet retained new counsel at the time this matter is decided by the Court, Defendants request that any Order resolving this matter include an express time limitation for the Estate of Harry Dunn to retain counsel. The Estate of Harry Dunn is a distinct legal entity that must be represented by counsel. See e.g. Beyer v. N.C. Div. of Mental Health, 2001 U.S. Dist. LEXIS 16968 (W.D. N.C. 2001) ("Like a corporation, an estate can only act through an agent; in this case, an administrator. An estate by its very nature cannot represent itself and, therefore, must be represented by a licensed attorney, regardless of the relation between the administrator and decedent."); See also Hawthorne v. VanMarter, 279 Va. 566 (2010) (dismissing Estate's appeal in Virginia wrongful death action filed by pro se Administrators). Permitting the Estate to proceed through an Administrator who is not licensed to practice law in Virginia would be to permit the unauthorized practice of law. Therefore, Defendants request that any Order resolving the instant motion provide that if an appearance of counsel is not filed on behalf of the Estate within seven days, the Estate will be in default and the Estate's claims will be dismissed.

Respectfully submitted,

ANNE SACOOLAS
and
JONATHAN SACOOLAS
By Counsel

Anna G. Zick /s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response to Motion to Withdraw was served via efilg on the 7th day of May, 2021 on the following:

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